

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

RICHARD THARPE,	§	
Petitioner,	§	
	§	
VS.	§	CIVIL ACTION NO.4:07-CV-494-Y
	§	
NATHANIEL QUARTERMAN, Director,	§	
T.D.C.J., Correctional	§	
Institutions DIV.,	§	
Respondent.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

In this action brought by petitioner Richard Tharpe under 28 U.S.C. § 2254, the Court has made an independent review of the following matters in the above-styled and numbered cause:

1. The pleadings and record;
2. The proposed findings, conclusions, and recommendation of the United States magistrate judge filed on August 21, 2007; and
3. The Petitioner's written objections to the proposed findings, conclusions and recommendation of the United States magistrate judge filed on August 31, 2007.

The Court, after de novo review, concludes that Petitioner's objections must be overruled,<sup>1</sup> and that the petition for writ of habeas corpus should be dismissed for lack of jurisdiction, for the reasons stated in the magistrate judge's findings and conclusions.

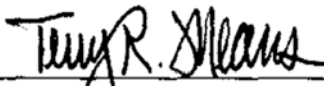
Therefore, the findings, conclusions, and recommendation of the magistrate judge are ADOPTED.

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<sup>1</sup>In his objections, Tharpe asks the Court to direct him whether or not to file a complaint seeking relief under 42 U.S.C. § 1983. The Court does not give legal advice or advisory opinions, and thus cannot answer this query. Section 42 U.S.C. § 1983 allows persons to seek relief for alleged violations of the Constitution or federal law by individuals acting under color of law. Tharpe is informed that, to the extent he believes he has a claim, any civil complaint filed by a prisoner seeking relief under 42 U.S.C. § 1983 must be accompanied either by the payment of the filing fee of \$350.00 or an application to proceed in forma pauperis (with a certification of inmate trust account). Under the Prison Litigation Reform Act, a prisoner who submits a civil action (non-habeas) must pay the full \$350.00 filing fee, although the statute does allow that fee to be deducted from an inmate's account over time.

Richard Tharpe's petition for writ of habeas corpus is  
DISMISSED without prejudice for lack of jurisdiction.

SIGNED September 5, 2007.

  
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TERRY R. MEANS  
UNITED STATES DISTRICT JUDGE